

### REMARKS

The claims remaining in the present application are Claims 1-4, 6-10, and 12-20. The Examiner is thanked for performing a thorough search. Claim 1 has been amended. No new matter has been added. For example support for the amendment to independent Claim 1 can be found in the original Claim 5.

### CLAIM REJECTIONS

#### 35 U.S.C. §112

##### Claims 1-4, 6 and 7

In paragraph 3, the Office Action rejected Claims 1-4, 6 and 7 under 35 U.S.C. §112, first paragraph. Claim 1 has been amended to delete the word "potential." Support for the amendment to Claim 1 can be found in the original Claim 5. Claims 2-4, 6 and 7 depend on Claim 1. Therefore, Applicants believe that this rejection has been addressed.

#### 35 U.S.C. §102

##### Claims 8-10 and 12-14

In paragraph 5, Claims 8-10 and 12-14 are rejected under 35 U.S.C. §102(3) as being anticipated by U.S. Patent No. 6,859,882 by Fung (referred to hereinafter as "Fung"). Applicants respectfully submit that embodiments of the present invention are neither taught nor suggested by Fung.

Independent Claim 8 recites,

A rack equipment capacity on demand system comprising:  
    rack equipment for processing data;  
    a capacity demand plan component for controlling operational changes to said rack equipment based on a capacity demand plan; and  
    a communications bus for coupling said rack equipment and said capacity demand plan component, wherein said communications bus is utilized for communicating information between said capacity demand plan component and said rack equipment; and  
    a master management control center for coordinating control of rack equipment among a plurality of racks.

Applicants respectfully submit that Fung does not teach or suggest, among other things, "a capacity demand plan component for controlling operational changes to said rack equipment based on a capacity demand plan... a master management control center for coordinating control of rack equipment among a plurality of racks," as recited by Claim 8.

For example, the Office Action asserted that Fung teaches “a capacity demand plan component for controlling operational changes to said rack equipment based on a capacity demand plan,” as recited by Claim 8 at “Col. 8, line 7, line 55-col. 8, line 23.” For the purposes of responding to the Office Action, Applicants shall assume the Office Action intended to cite Col. 8 line 7-Col. 9 line 23. Fung states at Col. 8 lines 24-25, “All nodes are reconfigurable at any time based on circumstances, such as load and QOS.” Fung states at Col. 8 lines 39-40, “The power consumption of each node is therefore also adjustable based on the load and/or QOS requirements.” Therefore, Fung does not teach a capacity demand plan at Col. 8 line 7-Col. 9 line 23.

The Office Action asserted that Fung’s local or remote management node depicted on Figures 1 & 6 teaches “a master management control center for coordinating control of rack equipment among a plurality of racks.” The Office Action did not cite a verbal description of Fung’s management node(s) (local and remote) 65. At Col. 6 lines 64-66, Fung states, “Local and/or remote management nodes or workstations 65 may be provided to permit access to the system 50” (emphasis added). Therefore, it appears that Fung’s management node(s) local and/or remote 65 do not teach “a master management control center for coordinating control of rack equipment...” (emphasis added).

Claims 9, 10 and 12-14 depend on Claim 8. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations which further make them patentable. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

### 35 U.S.C. §103

#### Claims 15-20

In paragraph 7, Claims 15-20 are rejected under 35 U.S.C. §103(a) as being anticipated by “On Evaluating Request-Distribution Schemes for Saving Energy in Server Clusters,” In Proceedings of the IEEE International Symposium on Performance Analysis of Systems and Software by K. Rajamani et al. (referred to hereinafter as “Rajamani”) in view of Fung. Applicants respectfully submit that

embodiments of the present invention are neither taught nor suggested by Rajamani or Fung, alone or in combination.

Independent Claim 15 recites,

A computer-useable storage medium comprising computer-readable program code embodied therein for causing a computer system to implement power pricing performance instructions comprising:

- a capacity demand detection module for detecting indications of requests for capacity demand changes covered by a capacity demand plan;
- a capacity demand administration module for administering examination of capacity demand changes;
- an instruction generation module for generating rack equipment performance adjustment commands to implement said capacity demand plan;
- and
- a master management control center for coordinating control of rack equipment among a plurality of racks.

Applicants respectfully submit that neither Rajamani nor Fung, alone or in combination teach or suggest, among other things, "a capacity demand detection module for detecting indications of requests for capacity demand changes covered by a capacity demand plan... a master management control center for coordinating control of rack equipment among a plurality of racks," as recited by Claim 15.

The Office Action asserted that Rajamani teaches "a capacity demand detection module for detecting indications of requests for capacity demand changes covered by a capacity demand plan" at section 4.2. The second paragraph of the second column of section 4.2 states, "Managing server power-states with our PARD algorithms is done by a user-level daemon, Pard, which also runs on the load-balancer...Pard obtains information from LVS that includes the number of connections on each servers. It uses this information and an internal algorithm to decide on the number of servers to be kept powered-on" (emphasis added). The second paragraph of section 4.2 indicates that LVS stands for Linux Virtual Server. Therefore Rajamani does not teach "a capacity demand plan" let alone teach "a capacity demand detection module for detecting indications of requests for capacity demand changes covered by a capacity demand plan." Applicants respectfully agree with the Office Action that Fung does not teach or suggest "a capacity demand detection module for detecting indications of requests for capacity demand changes covered by a capacity demand plan."

The Office Action asserted that Fung's management node(s) (local and remote) 65 depicted in Figures 1 and 6 teach "a master management control center for coordinating control of rack equipment among a plurality of racks." However, as already discussed herein Fung states at Col. 6 lines 64-66 that his management node(s) 65 permit access to the system 50 and therefore does not teach or suggest "coordinating control." Applicants respectfully agree with the Office Action that Rajamani does not teach or suggest "a master management control center for coordinating control of rack equipment among a plurality of racks."

Therefore, neither Rajamani nor Fung teach or suggest "a capacity demand detection module for detecting indications of requests for capacity demand changes covered by a capacity demand plan... a master management control center for coordinating control of rack equipment among a plurality of racks," as recited by Claim 15. Claims 16-20 depend on Claim 15. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations which further make them patentable. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

### CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-4, 6-10 and 12-20 overcome the rejections of record. For reasons discussed herein, Applicants respectfully request that Claims 1-4, 6-10 and 12-20 be considered by the Examiner. Therefore, allowance of Claims 1-4, 6-10 and 12-20 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,  
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